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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/484,834	01/18/2000	Takeshi Nakamura	49377(868)	1171

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EXAMINER	
WORKU, NEGUSSIE	
ART UNIT	**PAPER NUMBER**
2626	

DATE MAILED: 06/09/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/484,834	NAKAMURA, TAKESHI	
	Examiner	Art Unit	
	Negussie Worku	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. Applicant's arguments with respect to claims 1-12 have been considered but applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, this action is made final.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Holtz et al. (USP 4,323,987).

With respect to claim 1, Holtz et al. discloses transmitting receiving system (a device shown in fig 1, for receiving transmitting receiving data, (such as data over the communication 22 of fig 1) provided with a data back-up function, see (col.4, lines 55-57) comprising: plurality of transmitting receiving apparatuses

(about eight remote terminal see col.3, lines 48-53, as shown in fig 1, connected under control of CPU 14 of fig 1, via BUS 16 of fig 1, to other receiving transmitting terminal) connected to each other via a network or telephone line, (serial communication 22 of fig 1, form a network between up to 8 terminals, as shown in fig 1) the transmitting receiving apparatus, (shown in fig 1) including: storage means (memory 24 of fig 1) for storing transmitting receiving data, the storage means being realized by a volatile memory, see (abstract) and a control section (CPU 14 of fig 1) for setting and registering in advance a destination transmitting receiving apparatus (since CPU 14 has a control over plurality terminals and inherently setting and registering a destination addresses in advance) to which data stored in the storage means (memory 24 of fig 1) is to be transferred; and control means (CPU 14 of fig 1, for controlling data transfer) for transferring the data stored in storage means (memory 24 of fig 1) of a transmitting receiving apparatus (as shown in fig 1) whose is shut down, (power filer, see (col.6, lines 17-18) to the destination power source transmitting receiving apparatus (1 of fig 1) which is set and registered in advance by the control section (CPU 14 of fig 1) of the transmitting receiving apparatus to store and hold the data.

With respect to claim 2, Holtz et al. discloses the transmitting receiving system (as shown in fig 1) for transmitting receiving data, (such as document or image) provided with a data back-up function (memory 24 of fig 1, as a buffer memory for backing up the system) wherein the control section (CPU 14 of fig 1)

of the transmitting receiving apparatus (fig 1) sets a confidential transmission while setting and registering the transmitting receiving apparatus (shown in fig 1) to which the data is to be transferred.

With respect to claim 3, Holtz et al. discloses the transmitting receiving system (as shown in fig 1) for transmitting receiving data, (such as document or image) provided with a data back-up function, see (memory 24 of fig 1, as a buffer memory for backing up the system) wherein the transmitting receiving apparatus (a terminal shown in fig 1) further includes a backup power source, see (26 of fig 1, backup power source) for storing and holding the data stored in the storage means (RAM 24 of fig 1) and the control means (CPU 14 of fig 1) supplies power from the backup power source (26 of fig 1) to the storage means (memory 24 of fig 1) of the transmitting receiving apparatus (as shown in fig 1) whose power source has been shut down, see (abstract) and carries out the transferring process by the power supplied from the backup power source, (backup 26 of fig 1).

With respect to claim 4, Holtz et al. discloses the transmitting receiving system (as shown in fig 1) for transmitting receiving data, (such as document or image) provided with a data back-up function, see (memory 24 of fig 1, as a buffer memory for backing up the system) further comprising: storage means (memory 24 of fig 1) composed of a non-volatile memory, see (abstract) for storing completion data transferred from the transmitting receiving apparatus,

see (fig 1) of the transfer destination indicative of the completion of data transfer, wherein the control means (CPU 14 of fig 1) informs of the transmitting receiving apparatus (1 of fig 1) to which the data has been transferred based on the completion data stored in the storage (RAM 24 of fig 1).

With respect to claim 5, Holtz et al. discloses a system for receiving and transmitting data, provided with a data back-up function, see (memory 24 of fig 1, as a buffer memory for backing up the system) comprising a plurality of apparatuses for transmitting and receiving data, (about eight remote terminal, see col.3, lines 48-53, as shown in fig 1, connected under control of CPU 14 of fig 1, via BUS 16 of fig 1, to other receiving transmitting terminal) the apparatuses being connected to each other via a network or telephone line, (serial communication 22 of fig 1) at least one of the apparatuses including an image information memory for storing data in a volatile memory, see (abstract); and a control display section for setting and registering in advance a destination apparatus (since CPU 14 has a control over plurality terminals and inherently setting and registering a destination addresses in advance) to which data stored in the image information memory is to be transferred; and a transmitting/receiving control section (since CPU 14 has a control over plurality terminals and inherently setting and registering a destination addresses in advance) for transferring the data stored in the image information memory to the destination apparatus when a power source is shut down, see (abstract).

With respect to claim 6, Holtz et al. discloses the system wherein the transmitting/receiving control section (since CPU 14 has a control over plurality terminals and inherently setting and registering a destination addresses in advance) transfers the stored data to the destination apparatus when the power source is shut down, see (abstract).

With respect to claim 7, Holtz et al. discloses the system (as shown in fig 1), wherein the transmitting/receiving control section (since CPU 14 has a control over plurality terminals and inherently setting and registering a destination addresses in advance) sends a confirmation command to the destination apparatus prior to transferring the stored data to the destination apparatus (plurality of terminal at least up to 8 terminal as shown 37 of fig 1).

With respect to claim 8, Holtz et al. discloses where system (as shown in fig 1) wherein the control display section accepts a plurality of other destinations section (since CPU 14 has a control over plurality terminals and inherently setting and registering a destination addresses in advance) to serve as the destination apparatus (terminals 37 of fig 1) if the destination apparatus is not available.

With respect to claim 9, Holtz et al. discloses the system (as shown in fig 1), wherein when the power source is shut down, see (abstract) the

transmitting/receiving control section (since CPU 14 has a control over plurality terminals and inherently setting and registering a destination addresses in advance) sends a confirmation command to the destination apparatus, (terminals 37 transfer commands, see (col.5, lines 53-58) and if accepted, transfers the stored data to the destination apparatus (remote terminal 37 of fig 1).

With respect to claim 10, Holtz et al. discloses the system, wherein when the transmitting/receiving control section (since CPU 14 has a control over plurality terminals and inherently setting and registering a destination addresses in advance) determines that the destination apparatus (terminals 37 of fig 1) is not available, the transmitting/receiving control section (since CPU 14 has a control over plurality terminals and inherently setting and registering a destination addresses in advance and read the destination) reads at least one of the other destinations)one of the terminals 37 of fig 1).

With respect to claim 11, Holtz et al. discloses the system (as shown in fig 1) wherein after the power source is shut down, see (abstract) a switching control section (arbitration circuit 30 of fig 2, switch between the power source 28 and backup 26 of fig 2) automatically switches to a backup power source, see (col.5, lines 25-29 and col.3, lines 60-65).

With respect to claim 12, Holtz et al. discloses the system (as shown in fig 1), the system wherein the switching control section (arbitration circuit 30 of fig 2, switch between the power source 28 and backup 26 of fig 2) monitors the back-

up power source, and when electric energy that enables the data to be stored in the image information memory (memory 24 of fig 1) falls below a threshold value, see (col.5, lines 25-29) the transmitting/receiving control section (since CPU 14 has a control over plurality terminals and inherently setting and registering a destination addresses in advance) transfers the stored data to the destination apparatus (terminals 37 of fig 1).

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communication from Examiner should be directed to *Negussie Worku* whose telephone number is (703) 305 5441.

The Examiner can normally be reached on M-F, 9 am - 6 pm if attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, ***Kimberly Williams,*** can be reached on *(703) 305-4863.*

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306, and any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is *(703) 305-3900.*

Negussie Worku

05/20/04

KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER